

RD29532-3

REMARKS

Claims 1 – 51 are pending in the present Application. Claims 12, 40 and 51 have been amended, leaving Claims 1 – 51 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Amended Claims

Claims 12, 40 and 51 have been amended to include the variables X and Y. These amendments were made to better define the invention and not made to overcome any of the cited references. Support for these amendments can be found in Claim 1 as originally filed.

In addition, Claim 51 has been amended by the elimination of hydrogen, chlorides, and aliphatic functionalities comprising between about 1 and 11 carbon atoms from the structures of R₁₆, R₁₇, R₁₈ and R₁₉. This amendment was made to better define the invention.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 12, 40 and 51 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has stated that “[i]n claims 12, 40 and 51, the variable X and Y are not defined”. (Office Action dated 10/18/2004, page 2)

Variables X and Y are now defined in Claims 12, 40 and 51. Applicants respectfully request a withdrawal of the rejection and an allowance of the claims under 35 U.S.C. § 112, Second Paragraph.

Claim Rejections Under 35 U.S.C. § 102(b)

Claim 51 stands rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by U.S. Patent No. 6,150,307 to Cemezind et al. (Cemezind), U.S. Patent No. 5,206,131 to Matsuda et al. (Matsuda), U.S. Patent No. 5,618,778 to Wirth et al. (Wirth) or JP 04 063301 to Miyazaki. (Office Action dated 10/18/2004, pages 2 and 3). Applicants respectfully traverse the rejection.

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To anticipate a claim, a reference must disclose each and every element of the claim.
Lewmar Marine v. Varient Inc., 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

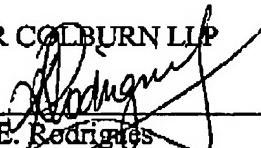
In the currently amended Claim 51, R₁₆, R₁₇, R₁₈ and R₁₉ cannot be hydrogen or a chloride, and therefore the structure (IV) cannot be anticipated by either of Cemezind, Matsuda, Wirth or Miyazaki. Since Cemezind, Matsuda, Wirth or Miyazaki do not teach all elements of the claimed invention, they cannot anticipate the claimed invention. Applicants therefore respectfully request a withdrawal of the rejection under § 102(b) and an allowance of the claims.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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